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TO: Chief School Administrators
Charter School and Renaissance School Project Lead Persons
Non-Public School Chief School Administrators

FROM: Peter Shulman, Deputy Commissioner
Division of Talent and Performance

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Division of Learning Supports and Specialized Services

SUBJECT: The Every Student Succeeds Act Update

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The *Every Student Succeeds Act (ESSA)* was passed by the U.S. Congress late last year and signed into law on December 10, 2015. The *ESSA* replaces No Child Left Behind and is the latest reauthorization of the *Elementary and Secondary Education Act (ESEA)*. **The purpose of this memo is to share general information about the timeline for implementing the new law and to highlight a few short-term implications for school districts, primarily for the 2016-17 school year.**

As the United States Department of Education (USED) provides guidance and regulations related to the implementation of the *ESSA*, we will continue to pass that information along to local leaders and educators. In addition, we have created a new [ESSA Web Page](#) on the New Jersey Department of Education (NJDOE) website including links to existing federal guidance and resources and other New Jersey-specific information. Please direct any questions about the new law to ESSA@doe.state.nj.us so we can more efficiently respond to issues statewide.

I. Timeline for Implementation

On March 2, the NJDOE presented information about the transition to the *ESSA* to the State Board of Education, including the following chart summarizing major components of the timeline:

Timeline	Action
Spring 2016	<ul style="list-style-type: none">• Negotiated rulemaking on certain provisions of <i>ESSA</i>
August 2016	<ul style="list-style-type: none">• NJ's <i>ESEA</i> waiver expires
School Year 2016-17	<ul style="list-style-type: none">• NJ develops state plan in collaboration with stakeholders• LEAs spend under <i>NCLB</i> rules/formulas and plan for 2017-18• Priority/Focus school status same as in 2015-16
October/Nov 2016	<ul style="list-style-type: none">• Final regulations posted (expected)
Winter 2016-17	<ul style="list-style-type: none">• State plans due (expected)
School Year 2017-18	<ul style="list-style-type: none">• New state plan goes into effect

Please view the entire [State Board Presentation](#) for more details.

II. Implications for 2016-17

A. Annual Measurable Objectives (AMOs)/Progress Targets

Districts have already received communications detailing considerations and procedures to develop corrective action plans, as appropriate, for 2015-16 based on federal accountability requirements including statewide assessment participation rates, high school graduation rates, and elementary/middle school attendance rates. In New Jersey, the information on the AMOs is provided to districts in the *ESEA* Accountability Profiles prior to release in the New Jersey School Performance Report. If you have not received these communications or have additional questions about your corrective action plans, information can be accessed [here](#) or by contacting the Office of Supplemental Educational Programs at 609-943-4283 or titleone@doe.state.nj.us. Guidance documents are available at: <http://www.state.nj.us/education/title1/accountability/progress/15/>. We are still reviewing federal guidance to determine steps for the 2016-17 school year and will provide additional guidance and clarification over the summer of 2016.

B. Annual Measurable Achievement Objectives (AMAOs)

Under the *ESEA*, districts receiving an allocation for Title III-Language Instruction for Limited English Proficient (LEP) and Immigrant Students were accountable for the following three AMAOs: annual increases in the number of students learning English, attaining English proficiency and meeting progress targets for the LEP subgroup. The *ESSA* has integrated accountability for the English language proficiency of English Language Learners (ELLs) into the statewide accountability system; therefore, **AMAOs will no longer be calculated**. The *ESSA* requires that the state's accountability

system include long-term goals and interim measures for increasing the percentage of ELLs who make progress achieving English language proficiency as defined by the Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs) assessment.

Prior to full implementation of the *ESSA* in 2017-18, accountability for previously-set AMAOs will remain the same as it has been in 2015-16. **This means that districts with improvement plans in place for 2014-15 and 2015-16 will continue to implement these plans through 2016-17.** The NJDOE will not provide any new accountability determinations during this time.

Previously, districts not meeting AMAOs in a given year were required to send out a notification letter to parents. **Effective immediately, this is no longer required. However, districts must still follow parent notification requirements for language assistance program eligibility and exit.** Details on parent notification requirements can be accessed [here](#).

Consolidated monitoring systems will be adjusted to reflect these changes, and the NJDOE will continue to provide support to districts working on Title III improvement plans. For additional questions, please email lep@doe.state.nj.us.

C. Highly Qualified Teachers (HQT)/Paraprofessionals in Title I

The HQT provision under *No Child Left Behind* has been eliminated from the *ESSA*. **Effective immediately, USED will not be enforcing HQT requirements and districts will not be required to implement HQT improvement plans.** Although HQT has been eliminated, **all educators in New Jersey are still required to hold the appropriate state license for the given position.** State monitoring, including QSAC, Educator Equity and Matrix Report initiatives, will continue to examine and enforce state certification requirements.

For the vast majority of positions, nothing should change about school's ability to place teachers in certain roles, with the exception of small changes to the placement of teachers in a special education and/or middle school settings who were certified under rules existing prior to 2004. For more details on changes regarding placement of teachers in these two certification areas, please view the New Jersey Certification and Induction website's [updated HQT resources](#).

Title I schools are still required to send out initial "right to know" letters at the beginning of the school year informing parents they may request certain information about the professional qualifications of their students' teachers and paraprofessionals. However, these **schools are no longer required to send out notification letters if students are served by a non-HQT instructor for more than four weeks.**

Effective August 2, 2016 (after New Jersey's *ESEA Flexibility Waiver* expires), any paraprofessional in Title I school-wide and targeted assistance programs whose salary is paid in whole or in part with Title I funds will no longer have to meet additional requirements in order to be funded through Title I.

For additional questions, please contact the Office of Supplemental Educational Programs at (609) 943-4283 or titleone@doe.state.nj.us.

D. District Spending of Title I, Title II, and Title III funds in 2016-17

For the 2016-17 school year, spending will continue under *NCLB* rules and formulas with the exception that districts are no longer restricted in the use of Title I, Part A funds for hiring paraprofessionals. For additional questions, please email titleone@doe.state.nj.us.

E. NJ SMART SMID management/Staff Submission 2016-17

For the 2016-17 school year, spending will continue under *NCLB* rules and formulas with the exception that districts are no longer restricted in the use of Title I, Part A funds for hiring paraprofessionals.

For additional questions, please call (800) 254-0295 or e-mail njsmart@pcgus.com.

F. Stakeholder Engagement and Parent Communications

The NJDOE is in the process of developing a plan for comprehensive stakeholder engagement around elements of the *ESSA* as they relate to the creation of a new state plan. As part of this effort, the NJDOE will consult several advisory groups currently in place. In addition, we will create new venues and vehicles for educators, associations, and members of the public to contribute ideas and participate in decisions related to new flexibilities allowed by the law. We will provide details about this engagement in the coming weeks and months.

The NJDOE is in the process of creating and/or updating resources to help districts communicate the *ESSA*-related changes with parents and community members (e.g. updated “right to know” letter template that will explain changes to HQT). We will provide districts with these resources as they become available and in advance of the 2016-17 school year.

If you have additional questions, please email ESSA@doe.state.nj.us.

PS/SM/JH

c: Members, State Board of Education
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